

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

FREDERICK M DETWILER,

Plaintiff,

v.

JUDY SNOW, PIERCE COUNTY, PAT  
CARNY.

Defendants.

CASE NO. C14-5251 BHS-JRC

ORDER

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and Magistrate Judge Rules MJR3 and MJR4.

Before the Court are two motions filed by plaintiff (Dkt. 10 and 12). Plaintiff's first motion is a request for a recorded conference to negotiate "plaintiff's desired outcome." (Dkt. 10). Plaintiff's second motion is a request to have the Court serve a subpoena for production of documents on a non party. The Court denies both motions.

A. Recording a conference.

Plaintiff may make a settlement offer by sending it in writing to counsel for defendants.

The statute authorizing persons to proceed in forma pauperis, 28 U.S.C, 1915, does not authorize payment of all costs of litigation. Authorized costs are set forth in 28 U.S.C. §1915(c ) and they include the cost of copying certain transcripts if the transcript is required. The statue does not include the costs of recording a conference.


B. Service of an incomplete subpoena.

While the Court is authorized to serve all process in 28 U.S.C. §1915(d), the Court has broad discretion in issuing subpoenas. *McNeil v. Lowney*, 831 F.2d 1368, 1373 (7th Cir. 1987). Fed. R. Civ. P. 45 (a)(1)(D)(4) mandates that plaintiff give all parties notice prior to service of a subpoena for production of documents. Plaintiff has not given any party notice of his intent to have this subpoena served. Further, the copy of the subpoena plaintiff provides to the Court for service on “T. Phil-Public Disclosure Deputy” is missing the third page of the form (Dkt. 12-1). That page provides a person being served a subpoena with information regarding their protections, rights, and duties. The Court will not order service of an incomplete document.

Plaintiff must bear litigation costs that are not provided for statutorily. The Federal Rules of Civil Procedure also provide other avenues for plaintiff's discovery requests.

The Clerk's Office is instructed to remove plaintiff's motions, (Dkt. 10 and 12), from the Court's calendar.

Dated this 19<sup>th</sup> day of June, 2014.

  
J. Richard Creatura  
United States Magistrate Judge